

Amendment Under 37 C.F.R. § 1.111  
USSN 09/802,926  
Attorney Docket Q63447  
October 2, 2003

### **REMARKS**

In proposed Figure 1 the “pair of mechanical operating members as called for in claim 1 are simply shown as a pair of levers E and S projecting upwards from the gearbox. Given the angle in which the gearbox is viewed in Figure 1 it was only possible to show the connection of the push-pull cable 4a to the lever S. No further miscellaneous elements are shown and accordingly only the elements called for in the claim have been illustrated. Accordingly, approval of the proposed Figure 1 is respectfully requested.

In the last Office Action the specification was objected to as failing to provide proper antecedent basis for the claimed subject matter. More specifically, it was stated that the specification lacked support for the term “control means” as called for in line 2 of claim 3. In order to clarify the situation and provide consistent terminology, the term “control means” in claim 3 amended and claim 4 amended has been changed to --control unit--. The control unit is the element 9 in Figure 1 which is described on page 8 of the specification. It is submitted that the term “control unit” is distinguishable from the term “electronic control unit”.

In the last Office Action claims 2-11 inclusive were rejected under 35 U.S.C. § 112, second paragraph, as being indefinite. The preamble of claim 1 amended has been changed to call for an operating unit for a servo-assisted operation of a motor-vehicle gearbox. Claim 12 twice amended has also been amended to refer to an operating unit. Thus, all of the claims are now consistent.

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Claim 4 amended has been amended again to call for a control unit and sensor means, wherein said sensor means can detect the instantaneous position of the remote gearshift means of the gearbox. Thus, it is clear that the phrase "which can detect" only refers to the sensor means.

In order to eliminate the confusion with respect to the term "cable" the cable is uniformly referred to as a --push-pull cable--. Several of the dependent claims have been amended to consistently refer to "elongate mechanical transmission elements" instead of simply "elongate elements".

In view of the foregoing amendments it is believed that the objection to the specification as well as the rejection of claims 2-11 inclusive as being indefinite have been overcome.

In the last Office Action claims 1-3 and 12 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent 1,630,076 to Schmidt in view of U.S. Patent 6,348,023 to Martelli. Claim 4 was rejected under 35 U.S.C. § 103(a) as being unpatentable over Schmidt in view of Martelli and further in view of U.S. Patent 6,196,078 to DeJonge et al. Claims 5, 6 and 7 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Schmidt in view of Martelli and DeJonge et al. and further in view of U.S. Patent 6,052,283 to Kawakita. Claims 8, 9 and 11 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Schmidt in view of Martelli and further in view of U.S. Patent 5,590,744 to Belmond. Finally, claim 10 was rejected under 35 U.S.C. § 103(a) as being unpatentable over Schmidt in view of Martelli and Belmond and further in view of U.S. Patent 6,240,797 to Morishima et al.

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The principle features of the presently claimed invention are the actuator means which act in response to the position of the remote gear shift means, the fact that the actuator means are remote from the gearbox and the fact that the actuator means are connected to the operating members (levers E and S) of the gearbox by means of flexible elongated mechanical transmission elements 3 and 4.

The newly cited patent to Martelli discloses a gearbox which can be operated either in servo-assisted manner or in the convention manual manner. The means for enabling servo assisted control of the gearbox include, among other things, a hydraulic actuator 38 for controlling the movement of a rotatable cylinder 20 intended to bring about up- or down-shifting. The actuator 38 is mounted directly on the gearbox as clearly shown in Figure 2 and is connected to the mechanical operating members of the gearbox, namely the rotatable cylinder 20, and not by means of flexible elongate mechanical transmission elements but directly through a rod. Such an arrangement belongs to the known servo-assisted gearboxes which are discussed in the introductory part and suffer from the disadvantage of having the actuating devices arranged inside the engine compartment and not remote therefrom.

With respect to Claims 1-3 and 12 Schmidt appears to describe all of the characteristics of claim 1 but fails to disclose a servo-assisted operation of the gearbox. However, it is submitted that it would not have been the least obvious for a person skilled in the art to modify the arrangement disclosed in Schmidt in view of the teachings provided by Martelli to arrive at the claimed invention. In fact, it is believed that the modification of the gearbox of Schmidt in

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view of Martelli would not lead to the claimed invention but rather to a conventional unit for servo-assisted operation of the gearbox.

Martelli simply teaches to enable servo-assisted control of the gearbox in addition to the convention manual control by providing actuators mounted directly on the gearbox. It does not suggest modification or replacement of traditional manual control of the gearbox. Accordingly, given the teachings of Schmidt and Martelli it would have led the person skilled in the art to provide actuators directly on the gearbox for the servo-assisted controls of the operating members and not to modify the manual operation unit to be connected by flexible elongated transmission elements to the mechanical operating means of the gearbox to enable servo-assisted operation of the gearbox. Furthermore, Martelli fails to disclose locating the actuators for imparting the shifting commands in a remote position from the gearbox.

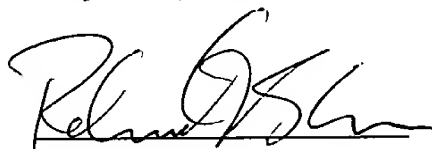
In view of the foregoing distinctions it is submitted that independent claims 1 and 12 would not be the least bit obvious in view of the teachings of Schmidt in view of Martelli et al. Therefore it is respectfully requested that claims 1 and 12 as well as claims 2-10 which are dependent from claim 1 be allowed and the application passed to issue forthwith.

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If for any reason the Examiner is unable to allow the application on the next Office Action and feels that an interview would be helpful to resolve any remaining issue, the Examiner is respectfully requested to contact the undersigned attorney for the purpose of arranging such an interview.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,

  
Robert V. Sloan  
Registration No. 22,775

SUGHRUE MION, PLLC  
Telephone: (202) 293-7060  
Facsimile: (202) 293-7860

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